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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

SEVERAL APPLICATION BY ALL REMAINING  
DEFENDANTS FOR AN ORDER REQUIRING THE  
PROSECUTION TO FURNISH TO EACH DEFEND-  
ANT STATEMENTS MADE BY EACH SAID DEF-  
ENDANT

NOW COME all of the remaining twenty seven defendants in the above entitled cause, by their respective attorneys of record, and severally move the Honorable, The International Military Tribunal for the Far East, for an order requiring the Prosecution within a time certain to supply to each of said defendants a true copy of all interrogations and statements obtained by the Prosecution or any person acting on behalf of said Prosecution from each such defendant. The application is made under the provisions of Article 9e of the amended charter of 26 April 1946 which provides in part "An accused may apply in writing to the Tribunal for the production \* of documents", and also under the general powers of the Tribunal.

1. Over a long period of time the Prosecution and others acting on behalf of the Prosecution have interrogated practically all of the defendants repeatedly while under the duress of imprisonment. As a result of such interrogations the Prosecution has compiled lengthy written recordings of such interrogations which were never shown to any of the defendants in written form for either approval or correction. In other instances the Prosecution has obtained from defendants partial written statements on special aspects of the case which are misleading in their present form. Because of language difficulties a number of the

defendants failed to comprehend the import of questions propounded during the interrogations with the result that the recorded interrogations contain serious errors of fact.

2. The defendants are informed that the Prosecution intends to use either the whole or a part of all such interrogations and statements as either primary or secondary evidence in the above proceeding and intends to serve such documents or the part thereof intended to be used only twenty four hours before its use in evidence. Counsel for all the defendants imperatively require a copy of the whole of such interrogations or statements without any further delay to the end that the interrogations and statements may be checked for accuracy and the defendants be otherwise apprised of the evidence taken from such defendants while under duress of imprisonment.

3. Counsel for the defendants require a true copy of such interrogations and statements without further delay in order to adequately prepare for cross examination and the defense.

4. And for other matters to be argued on the hearing of the application.

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KOISO, Kuniaki

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